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**Attorneys for Michael L. Montalvo**

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**MICHAEL L. MONTALVO,**

**Defendant.**

) **Case No. CR-S-89-062-WBS**

)  
) **STIPULATION AND (PROPOSED) ORDER**  
) **EXTENDING TIME FOR FILING OF**  
) **PETITIONER'S REPLY BRIEF**

**STIPULATION**

Defense counsel is requesting approximately two additional weeks, to Monday, August 19, 2013, within which to file the defense reply to the government opposition. The defense brief is nearly completed and counsel is in communication with Mr. Montalvo's appellate and habeas counsel, Ms. Rebecca Donaldson who has agreed to supply a relevant declaration to be attached to the defense brief. Counsel is in touch with Ms. Donaldson and is actively pursuing this path of investigation which should be completed on or before August 19, 2013. This continuance of the due date is also based on the fact that counsel have

not yet received a needed declaration from Mr. Montalvo as he has been in prison lock-down and has been unable to prepare and transmit this needed declaration. Counsel has been in contact with A.U.S.A. Mr. Philip A. Ferrari, Esq. who expresses his agreement with this request to continue the due date of the Petitioner's Reply Brief from August 7, 2013 to a new and different date of **August 19, 2013**. The balance of the Court's previous order of March 21, 2013, i.e. that upon the filing of the Petitioner's Reply Brief the Court "will take the motion under submission and will inform the parties if oral argument or further proceedings are necessary," shall remain in full force and effect.

**It is so stipulated.**

**Dated: August 6, 2013**

*/s/ Mr. Philip A. Ferrari, Esq. (by RMH)*

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**Mr. Philip A. Ferrari, Esq.  
Assistant United States Attorney  
Counsel for Respondent**

**Dated: August 6 , 2013**

*/s/ Mr. William E. Bonham, Esq.*

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**Mr. William E. Bonham, Esq.  
Counsel for Petitioner, Michael Montalvo**

**Dated: August 6, 2013**

*/S/ Mr. Robert M. Holley, Esq.*


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**Mr. Robert M. Holley, Esq.]  
Counsel for Petitioner, Michael Montalvo**

**ORDER**

**GOOD CAUSE APPEARING, IT IS SO ORDERED.**

**DATED: August 6, 2013**

  
**WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE**